

FILED

JUL 27 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MA LINA ROYANDOYAN MENDOZA,

Defendant - Appellant.

No. 05-30298

D.C. No. CR-03-00408-AJB

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted July 24, 2006^{**}

Before: ALARCON, HAWKINS, and THOMAS, Circuit Judges.

Ma Lina Royandoyan Mendoza appeals from her 27-month sentence imposed following her guilty plea conviction for bank embezzlement, in violation

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of 18 U.S.C. § 565, and money laundering, in violation of 18 U.S.C. § 1956(a)(2)(B)(i).

Mendoza contends that the district court violated the Ex Post Facto Clause by following and applying the remedial portion of the Supreme Court's holding in *United States v. Booker*, 125 S. Ct. 738 (2005), and treating the sentencing guidelines as advisory. This contention is foreclosed. *See United States v. Williams*, 441 F.3d 716, 725 (9th Cir. 2006)) (holding that the retroactive application of the remedial opinion in *United States v. Booker*, did not violate either the ex post facto clause or due process); *United States v. Staten*, 450 F.3d 384, 387 (9th Cir. 2006).

AFFIRMED.